

**United States District Court**

District of New Mexico

UNITED STATES OF AMERICA

V.

**ORDER OF DETENTION PENDING TRIAL****GEORGE OSGOOD**Case Number: **05-CR-1849 JH**

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

**Part I - Finding of Facts**

- ( ) (1) The defendant is charged with the offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ( ) a crime of violence as devised in 18 U.S.C. §3156(a)(4).
  - ( ) an offense for which the maximum sentence is life imprisonment or death.
  - ( ) an offense for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_.
- \_\_\_\_\_,\*
- ( ) a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ( ) (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ( ) (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ( ) (4) Findings Nos. (1),(2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

**Alternative Findings (A)**

- ( ) (1) There is probable cause to believe that the defendant has committed an offense
- ( ) for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_.
  - ( ) under 18 U.S.C. §924(c).
- ( ) (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

**Alternative Findings (B)**

- ( ) (1) There is a serious risk that the defendant will not appear.
- ( ) (2) There is a serious risk that the defendant will endanger the safety of another person or community.

**Part II - Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing establishes by (clear and convincing evidence) (a preponderance of the evidence) that **THE DEFENDANT STIPULATES TO DETENTION AT THIS TIME.**

**Part III - Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant \_\_\_\_\_ appearance in connection with a court proceeding.

Dated: **October 24, 2008***Robert Hayes Scott*

Signature of Judicial Officer

**ROBERT H. SCOTT, U.S. Magistrate Judge**

Name and Title of Judicial Officer

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. §801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. §951 et seq.); or (c) Section 1 of Act of Sept.